

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	
	§	
ALLAN L. REAGAN,	§	CASE NO. 20-11161-TMD
	§	
Debtor	§	CHAPTER 11

MOTION TO MAINTAIN PREPETITION ACCOUNTS

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

TO THE HONORABLE TONY M. DAVIS, U.S. BANKRUPTCY JUDGE:

Allan L. Reagan (“**Debtor**”) seeks authority to maintain and use Debtor’s prepetition brokerage accounts and would show as follows:

INTRODUCTION AND SUMMARY

1. The Debtor desires to maintain certain pre-petition brokerage accounts. Each of the Accounts (as defined in paragraph 4) pay regular interest and dividend payments. It would be difficult (and could result in disruption of regular interest and dividend payments) to ensure that each of the large brokerage firms/banks knew to send the payments to the Debtor’s newly created Debtor in Possession account (the “**DIP Account**”). The Accounts will only receive deposits. The Debtor will not make any transfers out of the Accounts without Court approval. Accordingly, Debtor requests that he be allowed to maintain the pre-petition Accounts.

JURISDICTION

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O). Venue of the Debtor’s

Chapter 11 case and this Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

The Court has the authority to enter the requested relief under Bankruptcy Code § 105.

BACKGROUND

3. On October 22, 2020 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under chapter 11, title 11 of the United States Code (the “**Bankruptcy Code**”).

4. Debtor holds the following brokerage accounts in his name:

- a. Account at UBS Financial Services, account number: xxx4355
- b. Account at Fidelity Investments, account number: xxxxx8722
- c. Account at Ameriprise Financial, account number: xxxxxxxx7133
- d. Account at Interactive Brokers, account number: xxx7017

The accounts detailed in paragraph 4(a)-(d) are collectively referred to as the “**Accounts**”.

5. Various of the marketable securities connected to the Accounts make regular interest and dividend payments.

RELIEF REQUESTED

6. Debtor moves the Court for an order authorizing him to continue to maintain the Accounts.

7. Bankruptcy Code § 105 provides in pertinent part: “The Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this Title.”

8. Courts have long recognized that the power granted by § 105 was expressly meant to be exercised to effectuate the rehabilitation of the debtor. *In re Ionesphere Clubs, Inc.*, 98 B.R. 174, 177 (Bankr. S.D.N.Y. 1989). The purpose of § 105 is to ensure a bankruptcy court’s power to take whatever action is appropriate or necessary in aid of the exercise of its jurisdiction.

9. The Debtor seeks a waiver of the U.S. Trustee Guidelines for Debtors in Possession regarding the closing of all prepetition accounts and the use of only depositories approved by the

United States Trustee. While the Accounts are not at approved depositories, all of the Accounts are at financially stable institutions.

10. The Debtor desires to maintain the Accounts so that there is no disruption of any of the interest and dividend payments made into the Accounts. It would be burdensome and potentially could result in harm to the estate – to the extent there was a disruption in any of the interest and dividend payments – to attempt to deal with the large brokerage firms and ensure that the interest and dividend payments were deposited into the newly created DIP Account.

11. Maintaining the Debtor's prepetition brokerage Accounts is in the best interest of the estate and will save the estate unnecessary expense. Additionally, the Accounts will only be the recipient of deposits (related to the interest and dividend payments), and there will be no transfers out of the Accounts without Court approval.

Therefore, the Debtor requests that the Court deem the Accounts debtor-in-possession accounts and authorize their maintenance and continued use, with the same account number, as during the prepetition period.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

/s/ Mark C. Taylor

Mark C. Taylor (Bar No. 19713225)

William R. "Trip" Nix (Bar No. 24092902)

100 Congress Avenue, Suite 1800

Austin, Texas 78701

(512) 685-6400

(512) 685-6417 (FAX)

Email: Mark.Taylor@wallerlaw.com

Trip.Nix@wallerlaw.com

*Attorneys for the Debtor and
Debtors in Possession*

CERTIFICATE OF SERVICE

The foregoing was served on all persons on the attached Service List electronically via the Court's ECF service or via first class mail on this 11th day of January, 2021.

/s/ Mark C. Taylor

Mark C. Taylor

SERVICE LIST

Debtor

Allan L. Reagan
585 River Run
Leander, TX 78641

Headley Investments, LP
1500 Knobb Hill Lane
Paoli, PA 19301

Trustee

Michael Colvard
Weston Center
112 East Pecan Street, Suite 1616
San Antonio, TX 78205

Frances and Wayne Lee
468 Jade Tree Lane
Monterey Park, CA 91754

Twenty-largest creditors:

Madison/East Towne LLC
c/o CBL & Associates
2030 Hamilton Place Blvd.
Chattanooga, TN 37421-6000

Capital One Spark Visa for Business
P.O. Box 30285
Salt Lake City, UT 84130-0285

Chase Ink Card for Business
P.O. Box 15298
Wilmington, DE 19850-5298

Village @ La Orilla
Attn: Philip Lindborg
12809 Donette Court N.E.
Albuquerque, NM 87112

Ford Motor Credit Corp.
P.O. Box 105704
Atlanta, GA 30348

Martin S. Headley
1500 Knobb Hill Lane
Paoli, PA 19301

Comerica Bank
Dept. #166901
P.O. Box 55000
Detroit, MI 48255-1669

Comerica Bank
Attn: Lesley B. Higginbotham, VP
Special Assets Group - Texas Market
P.O. Box 650282
Dallas, TX 75265-0282

Citicard Advantage Mastercard
Cardmember Services
P.O. Box 6062
Sioux Falls, SD 57117

Ann E. Headley
1500 Knobb Hill Lane
Paoli, PA 19301

Discover Card
Billing Inquiries
P.O. Box 30943
Salt Lake City, UT 84130

Wyndham Franchisor LLC
22 Sylvan Way
Parssipany, NJ 07054

Chase Visa Mileage Plus
P.O. Box 15298
Wilmington, DE 19850-5298

Spain Family IX LLC
c/o Patrick J. Spain
11809 Oak Branch Dr.
Austin, TX 78737

Comerica Bank
Attn: J.B. Stueckler, AVP
300 W. Sixth Street
Austin, TX 78701

Bennett Living Trust
Attn: Michael Bennett
2321 Abbot Kinney Blvd.
Venice, CA 90291

Unsecured Creditors/

Interested Parties

3401Hoteliers, LP
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Gary J. Neumayer
2201 Berrywood Lane
Bloomington, IL 61704-2449

83rd Street Development, LLC
Attn: Trent G. Moore
9000 Cameron Parkway
Oklahoma City, OK 73114

Action Propane
2601 S. Hwy. 183
Leander, TX 78641

ADT
P.O. Box 660418
Dallas, TX 75266

Al Clawson Disposal
P.O. Box 416
Jarrel, TX 76537

AT&T
P.O. Box 5001
Carol Stream, IL 60197

AT&T (DirectTV)
P.O. Box 5014
Carol Stream, IL 60197

Bank of Austin
Attn: David H. Marks, SVP
8611 N. Mopac Exp., Suite 101
Austin, TX 78759

DT Chandler, LLC
Attn: Bret Anderson, Manager
140 E. Rio Salado Parkway, Unit 305
Tempe, AZ 85281

FB Capital, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse AZ, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Holdco, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Indiana, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Iowa, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse NM, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse OK, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse SAT, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse III, LLC (Mansfield)
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Texas IV, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Texas V, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse TX II, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse TX IV, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse Wi, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Brewhouse, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Flix Entertainment, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Hospitality Investors, Inc.
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Internal Revenue Services
Centralized Insolvency Office
P.O. Box 7346
Philadelphia, PA 19101-7346

Janet L. Reagan
585 River Run
Leander, TX 78641

Kathleen R. McCormick
6801 Greenwood Ave., Unit 210
Seattle, WA 98103

Lone Star National Bank
Attn: Sergio Gonzalez, 1st VP
2100 Boca Chica Blvd.
Brownsville, TX 78520

Merle Hay Investors LLC
c/o Abbell Credit Corporation
30 N. LaSalle St., Suite 2120
Chicago, IL 60602

Mikeska Monahan & Peckham, P.C.
100 Congress Ave., Suite 990
Austin, TX 78701

Pedernales Electric Company
P.O. Box 1
Johnson City, TX 78636

Poolwerx by Blue Bottom Pool Supply
3021 S. IH35, Suite 140
Round Rock, TX 78664

Prudential Mortgage Capital Company LLC
c/o Prudential
100 Mulberry St., Gateway Center 4
8th Floor
Newark, NJ 07102

ROP Artcraft LLC
Attn: Adam Frank
5678 N. mesa St.
El Paso, TX 79912

Round Rock Business Park, LLC
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

RPT Realty, L.P.
19 W. 44th Street, Suite 1002
New York, NY 10036

Securian/Minnesota Life Insurance Co.
c/o Trinity Real Estate Finance
100 NE Loop 410, Suite 972
San Antonio, TX 78216

Southwestern Retail Properties II, LP
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Southwestern Retail Properties III, LP
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Southwestern Retail Properties LP
Attn: Allan Reagan
2000 S. IH-35, Suite Q11
Round Rock, TX 78681

Spectrum
P.O. Box 60074
City of Industry, CA 91716-0074

UBS Real Estate Securities, Inc.
c/o Berkadia Commercial Mortgage LLC
6955 Union Park Center, Suite 450
Midvale, UT 84047

U.S. Trustee
903 San Jacinto, Suite 230
Austin, TX 78701

Village @ La Orilla
Attn: Philip Lindborg
12809 Donette Court N.E.
Albuquerque, N< 87112

Wells Fargo Auto
MAC T9017-026
P.O. Box 168-48
Irving, TX 75016-8048

Williamson County Tax Office
904 S. Main Street
Georgetown, TX 78626

Parties Requesting Notice

Stephen G. Wilcox
Wilcox Law, PLLC
P.O. Box 201849
Arlington, TX 76006

Shane P. Tobin
Henry G. Hobbs, Jr.
Acting United States Trustee
903 San Jacinto Blvd., Room 230
Austin, TX 78701

Kell C. Mercer
Kell C. Mercer, P.C.
1602 E. Cesar Chavez Street
Austin, TX 78702

Robert J. Diehl, Jr.
Jaimee L. Witten
Noel J. Ravenscroft
Bodman PLC
6th Floor at Ford Field
1901 St. Antoine Street
Detroit, MI 48226

Bruce J. Zabarauskas
Thompson & Knight LLP
1722 Routh Street, Suite 1500
Dallas, TX 75201

Michael Flume
Flume Law Firm, LLP
1020 N.E. Loop 410, Suite 530
San Antonio, TX 78209

David M. Blau
Clark Hill PLC
151 S. Old Woodward Ave., Suite 200
Birmingham, MI 48009

Ross A. Plourde
McAfee & Taft
211 North Robinson, 8th Floor
Oklahoma City, OK 73102-7103

Harrel L. Davis III
Gordon Davis Johnson & Shane P.C.
4695 N. Mesa Street
El Paso, TX 79912

Daniel M. Eliades
K&L Gates, LLP
One Newark Center, Tenth Floor
1085 Raymond Boulevard
Newark, New Jersey 07102

David Catuogno
K&L Gates, LLP
One Newark Center, Tenth Floor
1085 Raymond Boulevard
Newark, New Jersey 07102

Caitlin C. Conklin
K&L Gates, LLP
One Newark Center, Tenth Floor
1085 Raymond Boulevard
Newark, New Jersey 07102

Jack O'Connor
Sugar Felsenthal Grais & Helsinger LLP
30 N. LaSalle St., Suite 3000
Chicago, IL 60602

William T. Peckham
1104 Nueces St., Suite 104
Austin, TX 78701-2106

Stephen K. Lecholop II
Rosenthal Pauerstein
Sandoloski Agather LLP
755 East Mulberry, Suite 200
San Antonio, TX 78212

Peter Lindborg
550 N. Brand Blvd., Suite 1830
Glendale, CA 91203